

STATE OF INDIANA        )                   IN THE DEARBORN                   COURT  
                                  ) SS:  
COUNTY OF GRANT        )                   CAUSE NO.

SHANNAN FRAASMAN and  
HAROLD FRAASMAN, SR.,  
Co-Personal Representatives of the  
Estate of FELICIA V. FRAASMAN, Deceased

VS.

ANDREW PLOWMAN and  
L & G TRUCKING, LLC

### **COMPLAINT FOR DAMAGES**

Come now the Plaintiffs, Shannan Fraasman and Harold Fraasman, Sr., Co-Personal Representatives of the Estate of Felicia V. Fraasman, deceased, by counsel, Ken Nunn Law Office, and for their cause of action against the Defendants, Andrew Plowman and L & G Trucking, LLC, alleges and states as follows:

### **STATEMENT AND JURISDICTION**

1. This is a clear liability collision in which Defendants' 2003 Peterbilt tractor-trailer was negligently driven by Andrew Plowman, causing a collision with the vehicle driven by Felicia V. Fraasman, deceased. As a result of the collision, Felicia V. Fraasman sustained serious injuries, resulting in her death.
2. Jurisdiction and venue are appropriate in Dearborn County, Indiana, as said collision occurred within the boundaries of Grant County, State of Indiana.

### **FIRST CAUSE OF ACTION**

#### **NEGLIGENCE OF TRUCK DRIVER**

3. Plaintiffs reallege and incorporates herein by reference paragraphs 1 through 2 above as if fully restated verbatim.
4. The plaintiffs, Shannan Fraasman and Harold Fraasman, are the mother and father of Felicia V. Fraasman, deceased.

5. On or about February 22, 2022, Defendant, Andrew Plowman, negligently drove a tractor-trailer striking and crushing the vehicle driven by Felicia V. Fraasman, deceased.

6. Defendant, Andrew Plowman, had a duty to operate his tractor trailer in a safe and reasonable manner.

7. Defendant, Andrew Plowman, failed in the above mentioned duties and is therefore negligent.

8. Defendant's negligence was the direct and proximate cause of Plaintiff's injuries.

9. Felicia V. Fraasman sustained serious injuries which thereafter caused her death on February 22, 2022.

10. As a direct and proximate result of Andrew Plowman's negligence, Felicia V. Fraasman incurred medical, funeral, and burial expenses for such decedent in an amount to be proven at the trial of this cause.

## **SECOND CAUSE OF ACTION**

### **NEGLIGENCE PER SE OF TRUCK DRIVER**

11. Plaintiffs reallege and incorporates herein by reference paragraphs 1 through 10 above as if fully restated verbatim.

12. Andrew Plowman violated state and federal statutes and regulations including but not limited to Title 9 of the Indiana Code.

13. Defendant Andrew Plowman's statutory violations directly and proximately caused the damages and injuries of Felicia V. Fraasman, deceased.

14. Defendant, Andrew Plowman, is negligent per se based on these statutory and regulatory violations.

## **THIRD CAUSE OF ACTION**

### **RESPONDEAT SUPERIOR OF TRUCK COMPANY**

15. Plaintiffs reallege and incorporate herein by reference paragraphs 1 through 14 above as if fully restated verbatim.

16. Defendant, Andrew Plowman, was the employee, agent, servant, or independent contractor for L & G Trucking, LLC. Accordingly, L & G Trucking, LLC, is vicariously liable for the acts of Defendant, Andrew Plowman, for the causes of action above.

WHEREFORE, the Plaintiffs, Shannan Fraasman and Harold Fraasman, Co-Personal Representatives of the Estate of Felicia V. Fraasman, deceased, by counsel, Ken Nunn Law Office, demand judgment against the Defendants, Andrew Plowman and L & G Trucking, LLC, for permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical, funeral, and burial expenses.

KEN NUNN LAW OFFICE

BY: s/ Nathan D. Foushee

Nathan D. Foushee, #24885-49

KEN NUNN LAW OFFICE

104 South Franklin Road

Bloomington, IN 47404

Phone: (812) 332-9451

Fax: (812) 331-5321

E-mail: [nathanf@kennunn.com](mailto:nathanf@kennunn.com)

**REQUEST FOR TRIAL BY JURY**

Comes now the plaintiff, by counsel, Ken Nunn Law Office, and requests that this matter be tried by jury pursuant to Trial Rule 38.

KEN NUNN LAW OFFICE

BY: s/ Nathan D. Foushee

Nathan D. Foushee, #24885-49

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104 South Franklin Road

Bloomington, IN 47404

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E-mail: [nathanf@kennunn.com](mailto:nathanf@kennunn.com)

Nathan D. Foushee, #24885-49

Ken Nunn Law Office

104 South Franklin Road

Bloomington, IN 47404

Telephone: 812-332-9451

Fax Number: 812-331-5321

Attorney for Plaintiff

**APPEARANCE FORM (CIVIL)****Initiating Party**

CAUSE NO:	15D01-2204-CT-000011
1. Name of first initiating party	Shannan Fraasman and Harold Fraasman, Sr., Co-Personal Representatives of the Estate of Felicia V. Fraasman, Deceased
2. Telephone of pro se initiating party	NA
3. Attorney information (as applicable for service of process)	Nathan D. Foushee #24885-49 Ken Nunn Law Office 104 South Franklin Road Bloomington, IN 47404 PHONE: 812 332-9451 FAX: 812 331-5321 Email: nathanf@kennunn.com
4. Case type requested	CT (Civil Tort)
5. Will accept FAX service	YES
6. Are there related cases	NO
7. Additional information required by State or Local Rules	
Continuation of Item 1 (Names of initiating parties)	NAME: NAME:
Continuation of Item 3 (Attorney information as applicable for service of process)	

s/Nathan D. Foushee  
Attorney-at-Law  
(Attorney information shown above.)

## Dearborn Superior Court 1

CIRCUIT/SUPERIOR COURT FOR THE COUNTY OF DEARBORN  
STATE OF INDIANA  
COURTHOUSE, 215 WEST HIGH STREET  
LAWRENCEBURG, INDIANA 47025  
TELEPHONE: 812 537-1040

Shannan Fraasman and Harold Fraasman, Sr.,  
Co-Personal Representatives of the Estate of  
Felicia V. Fraasman, Deceased

Plaintiff(s)

VS.

No. 15D01-2204-CT-000011

Andrew Plowman and L &amp; G Trucking, LLC

Defendant(s)

## SUMMONS

The State of Indiana to Defendant: **Andrew Plowman, c/o Chris Whitten, Whitten Law Office, 6801 Gray Rd, Indianapolis, IN 46237**

You have been sued by the person(s) named "plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you.

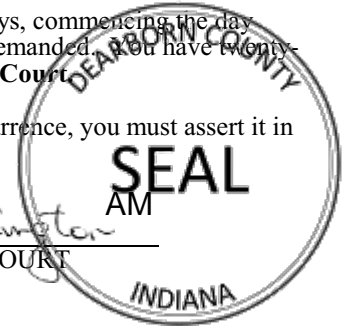
You must answer the complaint in writing, by you or your attorney, within Twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the plaintiff has demanded. You have twenty-three (23) days to answer if this summons was received by mail. **Such Answer Must Be Made In Court.**

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

4th day of April, 2022

Date: \_\_\_\_\_

*Gayle L. Remington*  
CLERK, DEARBORN CIRCUIT COURT



NATHAN D. FOUSHEE, #24885-49  
ATTORNEY FOR PLAINTIFF  
KEN NUNN LAW OFFICE  
104 SOUTH FRANKLIN ROAD  
BLOOMINGTON, IN 47404  
TELEPHONE: (812) 332-9451/332-9451

## ACKNOWLEDGMENT OF SERVICE OF SUMMONS

A copy of the above summons and a copy of the complaint attached thereto were received by me at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
SIGNATURE OF DEFENDANT

PRAECIPE: I designate the following mode of service to be used by the Clerk.

- XX By certified or registered mail with return receipt to above address.
- ☐ By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.
- ☐ By \_\_\_\_\_ delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode.
- ☐ By serving his agent as provided by rule, statute or valid agreement, to-wit:

KEN NUNN LAW OFFICE

BY: /s/ NATHAN FOUSHEE  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING: I certify that on the \_\_\_ day of \_\_\_\_\_, 2022, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified mail requesting a return receipt signed by the addressee only, addressed to each of said defendant(s) at the address(es) furnished by plaintiff.

Dated this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
C LERK,  
DEARBORN CIRCUIT COURT

**RETURN OF SERVICE OF SUMMONS BY MAIL:** I hereby certify that service of summons with return receipt requested was mailed on the \_\_\_ day of \_\_\_\_\_, 2022, and that a copy of the return of receipt was received by me on the \_\_\_ day of \_\_\_\_\_, 2022, which copy is attached herewith.

\_\_\_\_\_  
C LERK,  
DEARBORN CIRCUIT COURT

**CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPTED BY MAIL:** I hereby certify that on the \_\_\_ day of \_\_\_\_\_, 2022, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this \_\_\_ day of \_\_\_\_\_, 2022, and I did deliver said summons and a copy of the complaint to the Sheriff of Dearborn County, Indiana.

Dated this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
C LERK,  
DEARBORN CIRCUIT COURT

**RETURN OF SUMMONS:** This summons came to hand on the \_\_\_ day of \_\_\_\_\_, 2022, and I served the same on the \_\_\_ day of \_\_\_\_\_, 2022.

1. By mailing a copy of the summons and complaint personally to \_\_\_\_\_ address \_\_\_\_\_.
2. By delivering a copy of summons and complaint personally to \_\_\_\_\_.
3. By leaving a copy of the summons and complaint at \_\_\_\_\_ the dwelling house or usual place of abode of defendant: \_\_\_\_\_ (Name of Person) and by mailing by first class mail a copy of the summons on the \_\_\_ day of \_\_\_\_\_, 2022 to \_\_\_\_\_ his last known address.
4. By serving his agent as provided by rule, statute or valid agreement to-wit: \_\_\_\_\_.
5. Defendant cannot be found in my bailwick and summons was not served.

And I now return this writ this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
SHERIFF or DEPUTY

**RETURN ON SERVICE OF SUMMONS:** I hereby certify that I have served the within summons:

1. By delivery on the \_\_\_ day of \_\_\_\_\_, 2022 a copy of this summons and a copy of the complaint to each of the within named defendant(s) \_\_\_\_\_.
2. By leaving on the \_\_\_ day of \_\_\_\_\_, 2022 for each of the within named defendant(s) \_\_\_\_\_, a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with \_\_\_\_\_ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.
3. \_\_\_\_\_ and by mailing a copy of the summons without the complaint to \_\_\_\_\_ at \_\_\_\_\_ the last known address of defendant(s).

All done in Dearborn County, Indiana.

Fees: \$ \_\_\_\_\_

\_\_\_\_\_  
SHERIFF or DEPUTY

## Dearborn Superior Court 1

CIRCUIT/SUPERIOR COURT FOR THE COUNTY OF DEARBORN  
STATE OF INDIANA  
COURTHOUSE, 215 WEST HIGH STREET  
LAWRENCEBURG, INDIANA 47025  
TELEPHONE: 812 537-1040

Shannan Fraasman and Harold Fraasman, Sr.,  
Co-Personal Representatives of the Estate of  
Felicia V. Fraasman, Deceased

Plaintiff(s)

VS.

No. 15D01-2204-CT-000011

Andrew Plowman and L & G Trucking, LLC

Defendant(s)

### SUMMONS

The State of Indiana to Defendant: **L & G Trucking, LLC, c/o Chris Whitten, Whitten Law Office, 6801 Gray Rd, Indianapolis, IN 46237**

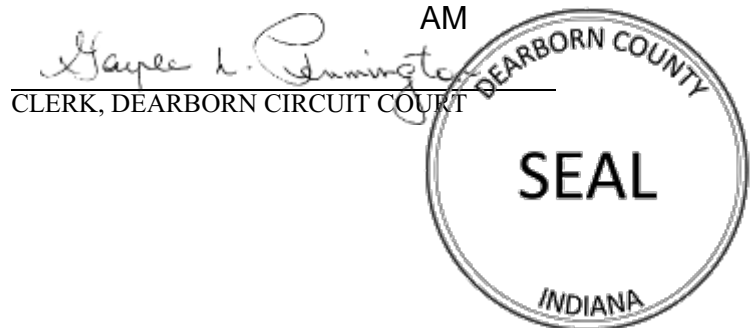
You have been sued by the person(s) named "plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you.

You must answer the complaint in writing, by you or your attorney, within Twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the plaintiff has demanded. You have twenty-three (23) days to answer if this summons was received by mail. **Such Answer Must Be Made In Court.**

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

4th day of April, 2022  
Date: \_\_\_\_\_



NATHAN D. FOUSHEE, #24885-49  
ATTORNEY FOR PLAINTIFF  
KEN NUNN LAW OFFICE  
104 SOUTH FRANKLIN ROAD  
BLOOMINGTON, IN 47404  
TELEPHONE: (812) 332-9451/332-9451

### ACKNOWLEDGMENT OF SERVICE OF SUMMONS

A copy of the above summons and a copy of the complaint attached thereto were received by me at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
SIGNATURE OF DEFENDANT

PRAECIPE: I designate the following mode of service to be used by the Clerk.

- XX By certified or registered mail with return receipt to above address.
- ☐ By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.
- ☐ By \_\_\_\_\_ delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode.
- ☐ By serving his agent as provided by rule, statute or valid agreement, to-wit:

KEN NUNN LAW OFFICE

BY: /s/ NATHAN FOUSHEE  
ATTORNEY FOR PLAINTIFF



CERTIFICATE OF MAILING: I certify that on the \_\_\_ day of \_\_\_\_\_, 2022, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified mail requesting a return receipt signed by the addressee only, addressed to each of said defendant(s) at the address(es) furnished by plaintiff.

Dated this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
C LERK,  
DEARBORN CIRCUIT COURT

**RETURN OF SERVICE OF SUMMONS BY MAIL:** I hereby certify that service of summons with return receipt requested was mailed on the \_\_\_ day of \_\_\_\_\_, 2022, and that a copy of the return of receipt was received by me on the \_\_\_ day of \_\_\_\_\_, 2022, which copy is attached herewith.

\_\_\_\_\_  
C LERK,  
DEARBORN CIRCUIT COURT

**CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPTED BY MAIL:** I hereby certify that on the \_\_\_ day of \_\_\_\_\_, 2022, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this \_\_\_ day of \_\_\_\_\_, 2022, and I did deliver said summons and a copy of the complaint to the Sheriff of Dearborn County, Indiana.

Dated this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
C LERK,  
DEARBORN CIRCUIT COURT

**RETURN OF SUMMONS:** This summons came to hand on the \_\_\_ day of \_\_\_\_\_, 2022, and I served the same on the \_\_\_ day of \_\_\_\_\_, 2022.

1. By mailing a copy of the summons and complaint personally to \_\_\_\_\_ address \_\_\_\_\_.
2. By delivering a copy of summons and complaint personally to \_\_\_\_\_.
3. By leaving a copy of the summons and complaint at \_\_\_\_\_ the dwelling house or usual place of abode of defendant: \_\_\_\_\_ (Name of Person) and by mailing by first class mail a copy of the summons on the \_\_\_ day of \_\_\_\_\_, 2022 to \_\_\_\_\_ his last known address.
4. By serving his agent as provided by rule, statute or valid agreement to-wit: \_\_\_\_\_.
5. Defendant cannot be found in my bailwick and summons was not served.

And I now return this writ this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
SHERIFF or DEPUTY

**RETURN ON SERVICE OF SUMMONS:** I hereby certify that I have served the within summons:

1. By delivery on the \_\_\_ day of \_\_\_\_\_, 2022 a copy of this summons and a copy of the complaint to each of the within named defendant(s) \_\_\_\_\_.
2. By leaving on the \_\_\_ day of \_\_\_\_\_, 2022 for each of the within named defendant(s) \_\_\_\_\_, a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with \_\_\_\_\_ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.

3. \_\_\_\_\_ and by mailing a copy of the summons without the complaint to \_\_\_\_\_ at \_\_\_\_\_ the last known address of defendant(s).

All done in Dearborn County, Indiana.

Fees: \$ \_\_\_\_\_

\_\_\_\_\_  
SHERIFF or DEPUTY

STATE OF INDIANA ) IN THE DEARBORN SUPERIOR COURT  
 ) SS:  
 COUNTY OF DEARBORN ) CAUSE NO. 15D01-2204-CT-000011

SHANNAN FRAASMAN and )  
 HAROLD FRAASMAN, SR., )  
 Co-Personal Representatives of the )  
 Estate of FELICIA V. FRAASMAN, )  
 Deceased, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 ANDREW PLOWMAN and )  
 L&G TRUCKING, LLC, )  
 )  
 Defendants. )

### APPEARANCE

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party members: **Andrew Plowman and L&G Trucking, LLC**

2. Address of *pro se* responding party or parties (as applicable for service of process):

Name: \_\_\_\_\_ Name \_\_\_\_\_  
 Address: \_\_\_\_\_ Address \_\_\_\_\_

3. Attorney information (as applicable for service of process):

Name: **Christopher R. Whitten** Atty. No.: **20429-49**  
**Lia Gucciardi Bowers** Atty. No.: **27556-64**  
 Address: **WHITTEN LAW OFFICE LLC** Phone: **317/362-0225**  
**6801 Gray Road, Suite H** Fax: **317/362-0151**  
**Indianapolis, IN 46237** E-Mail: [cwhitten@indycounsel.com](mailto:cwhitten@indycounsel.com)  
[lbowers@indycounsel.com](mailto:lbowers@indycounsel.com)

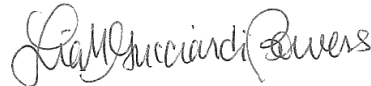
4. Will responding party accept FAX service: Yes \_\_\_\_ No X

5. If first initiating party filing this case, the Clerk is required to assign this case the following Case Type under Administrative Rule 8(b)(3):
6. Additional information required by state or local rule:
7. *(Optional)* Additional information to supplement the appearance form submitted by the initiating party:



---

Christopher R. Whitten



---

Lia Gucciardi Bowers

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of April, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification to the following CM/ECF participants:

Nathan D. Foushee  
KEN NUNN LAW OFFICE  
104 South Franklin Road  
Bloomington, IN 47404  
[nathanf@kennunn.com](mailto:nathanf@kennunn.com)



---

Christopher R. Whitten

WHITTEN LAW OFFICE LLC  
6801 Gray Road, Suite H  
Indianapolis, IN 46237  
PH: 317-362-0225  
FX: 317-362-0151  
[cwhitten@indycounsel.com](mailto:cwhitten@indycounsel.com)  
[lbowers@indycounsel.com](mailto:lbowers@indycounsel.com)

STATE OF INDIANA	)	IN THE DEARBORN SUPERIOR COURT
	) SS:	
COUNTY OF DEARBORN	)	CAUSE NO. 15D01-2204-CT-000011
SHANNAN FRAASMAN and	)	
HAROLD FRAASMAN, SR.,	)	
Co-Personal Representatives of the	)	
Estate of FELICIA V. FRAASMAN,	)	
Deceased,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ANDREW PLOWMAN and	)	
L&G TRUCKING, LLC,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME**

Defendants, Andrew Plowman and L&G Trucking, LLC ("Defendants"), by counsel, respectfully request the Court for an enlargement of time of 30 days to respond to the Complaint for Damages ("Complaint") of Plaintiffs, Shannan Fraasman and Harold Fraasman, Sr., Co-Personal Representatives of the Estate of Felicia V. Fraasman, and in support thereof, state as follows:

1. On or about April 11, 2022, Defendants, Andrew Plowman and L&G Trucking, LLC, were served with copies of the Summons and Complaint via certified mail.
2. The time for Defendants to respond to Plaintiffs' Complaint has not yet expired.

3. Counsel for Defendants require additional time to confer with their clients and to prepare an appropriate response to the Complaint.

4. No prior enlargement of time has been requested or obtained.

WHEREFORE, Defendants, Andrew Plowman and L&G Trucking, LLC, by counsel, respectfully request the Court for an enlargement of time of 30 days up to and including June 10, 2021 in which to respond to the Complaint and for all other just and proper relief in the premises.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

A handwritten signature in black ink, appearing to read 'C. Whitten', is written over a horizontal line.

By \_\_\_\_\_  
Christopher R. Whitten/#20429-49  
Lia Gucciardi Bowers/#27556-64  
*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of April, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification to the following CM/ECF participants:

Nathan D. Foushee  
KEN NUNN LAW OFFICE  
104 South Franklin Road  
Bloomington, IN 47404  
[nathanf@kennunn.com](mailto:nathanf@kennunn.com)



---

Christopher R. Whitten

Christopher R. Whitten  
Lia Gucciardi Bowers  
WHITTEN LAW OFFICE LLC  
6801 Gray Road, Suite H  
Indianapolis, IN 46237  
PH: 317-362-0225  
FX: 317-362-0151  
[cwhitten@indycounsel.com](mailto:cwhitten@indycounsel.com)  
[lbowers@indycounsel.com](mailto:lbowers@indycounsel.com)

STATE OF INDIANA	)	IN THE DEARBORN SUPERIOR COURT
	) SS:	
COUNTY OF DEARBORN	)	CAUSE NO. 15D01-2204-CT-000011
SHANNAN FRAASMAN and	)	
HAROLD FRAASMAN, SR.,	)	
Co-Personal Representatives of the	)	
Estate of FELICIA V. FRAASMAN,	)	
Deceased,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ANDREW PLOWMAN and	)	
L&G TRUCKING, LLC,	)	
	)	
Defendants.	)	

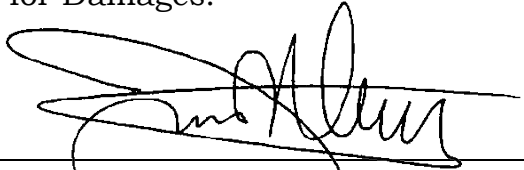
**ORDER ON DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME**

THIS MATTER having come before the Court on Defendants' Motion for Enlargement of Time.

The Court having been first duly advised, now finds that said motion should be GRANTED.

IT IS THEREFORE ORDERED by this Court that Defendants, Andrew Plowman and L&G Trucking, LLC, shall have up to and including June 10, 2022, in which to respond to Plaintiffs' Complaint for Damages.

Dated: April 18, 2022

  
\_\_\_\_\_  
JUDGE, Dearborn Superior Court

Copies to:

Christopher R. Whitten  
Lia Gucciardi Bowers  
WHITTEN LAW OFFICE LLC  
[cwhitten@indycounsel.com](mailto:cwhitten@indycounsel.com)  
[lbowers@indycounsel.com](mailto:lbowers@indycounsel.com)

Nathan D. Foushee  
KEN NUNN LAW OFFICE  
[nathanf@kennunn.com](mailto:nathanf@kennunn.com)



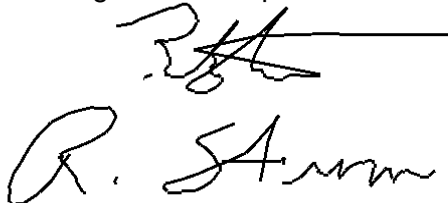
Mailer: Ken Nunn Law Office

Date Produced: 04/18/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8371 7026 97. Our records indicate that this item was delivered on 04/11/2022 at 02:18 p.m. in INDIANAPOLIS, IN 46237. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

6801 Gray Rd  
Ste 11

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

ANDREW PLOWMAN  
WHITTEN LAW OFFICE  
C/O: CHRIS WHITTEN  
6801 GRAY RD  
INDIANAPOLIS IN 46237-3263

Customer Reference Number: C3337021.19479237

Return Reference Number Felicia Fraasman

MAILING DATE: 04/04/2022

DELIVERED DATE: 04/11/2022

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

ANDREW PLOWMAN  
WHITTEN LAW OFFICE  
C/O: CHRIS WHITTEN  
6801 GRAY RD  
INDIANAPOLIS IN 46237-3263

MAIL PIECE TRACKING EVENTS:

04/04/2022 14:41	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	BLOOMINGTON,IN 47404
04/06/2022 21:07	ORIGIN ACCEPTANCE	BLOOMINGTON IN DISTRIBUTION CEN 47404
04/06/2022 22:22	PROCESSED THROUGH USPS FACILITY	INDIANAPOLIS IN DISTRIBUTION CE 46206
04/09/2022 07:12	ARRIVAL AT UNIT	INDIANAPOLIS,IN 46239
04/09/2022 07:23	OUT FOR DELIVERY	INDIANAPOLIS,IN 46237
04/09/2022 11:30	ATTEMPTED NO ACCESS TO DLVRY LOCATION	INDIANAPOLIS,IN 46237
04/11/2022 14:18	DELIVERED FRONT DESK/RECEPTION/MAIL ROOM	INDIANAPOLIS,IN 46237

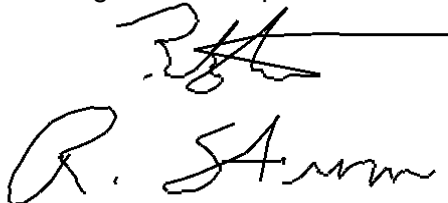
Mailer: Ken Nunn Law Office

Date Produced: 04/18/2022

ConnectSuite Inc.:

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WHITTEN LAW OFFICE  
C/O: CHRIS WHITTEN  
6801 GRAY RD  
INDIANAPOLIS IN 46237-3263

Customer Reference Number: C3337021.19479238

Return Reference Number Felicia Fraasman

MAILING DATE: 04/04/2022

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04/06/2022 22:22	PROCESSED THROUGH USPS FACILITY	INDIANAPOLIS IN DISTRIBUTION CE 46206
04/08/2022 18:38	PROCESSED THROUGH USPS FACILITY	INDIANAPOLIS IN DISTRIBUTION CE 46241
04/09/2022 07:01	ARRIVAL AT UNIT	INDIANAPOLIS,IN 46239
04/09/2022 07:12	OUT FOR DELIVERY	INDIANAPOLIS,IN 46237
04/09/2022 11:30	ATTEMPTED NO ACCESS TO DLVRY LOCATION	INDIANAPOLIS,IN 46237
04/11/2022 14:18	DELIVERED FRONT DESK/RECEPTION/MAIL ROOM	INDIANAPOLIS,IN 46237

STATE OF INDIANA            )            IN THE DEARBORN SUPERIOR COURT  
                                      ) SS:  
COUNTY OF GRANT         )            CAUSE NO. 15D01-2204-CT-000011

SHANNAN FRAASMAN and  
HAROLD FRAASMAN, SR.,  
Co-Personal Representatives of the  
Estate of FELICIA V. FRAASMAN, Deceased

VS.

ANDREW PLOWMAN and  
L & G TRUCKING, LLC

**MOTION FOR TRIAL DATE**

Comes now the plaintiff, by counsel, Nathan D. Foushee, and respectfully requests as follows:

1. That this matter be set for jury trial.
2. That the date be established by the Court at the telephonic pre-trial conference that is being requested simultaneously with the filing of this Motion.

Respectfully submitted,  
KEN NUNN LAW OFFICE

By: /s/Nathan Foushee  
Nathan Foushee, # 24885-49  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of April, 2022 a copy of this document was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system or by mail should counsel not be registered.

Christopher R. Whitten  
Lia Gucciardi Bowers  
Whitten Law Office  
6801 Gray Road  
Suite H  
Indianapolis, IN 46237

KEN NUNN LAW OFFICE

By: /s/Nathan Foushee  
Nathan Foushee, # 24885-49  
Attorney for Plaintiff

Ken Nunn Law Office  
Franklin Place  
104 S. Franklin Road  
Bloomington, IN 47404  
Telephone (812) 332-9451

STATE OF INDIANA            )  
  ) SS:           IN THE DEARBORN SUPERIOR COURT  
COUNTY OF GRANT         )           CAUSE NO. 15D01-2204-CT-000011

SHANNAN FRAASMAN and  
HAROLD FRAASMAN, SR.,  
Co-Personal Representatives of the  
Estate of FELICIA V. FRAASMAN, Deceased

VS.

ANDREW PLOWMAN and  
L & G TRUCKING, LLC

**MOTION FOR PRE-TRIAL CONFERENCE**

Comes now the plaintiff, by counsel, Nathan D. Foushee, and respectfully requests  
the Court to set a telephonic pre-trial conference in this cause of action, in order to set  
appropriate trial deadlines.

Respectfully submitted,  
KEN NUNN LAW OFFICE

By: /s/Nathan Foushee  
Nathan Foushee, # 24885-49  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of April, 2022 a copy of this document was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system or by mail should counsel not be registered.

Christopher R. Whitten  
Lia Gucciardi Bowers  
Whitten Law Office  
6801 Gray Road  
Suite H  
Indianapolis, IN 46237

KEN NUNN LAW OFFICE

By: /s/Nathan Foushee  
Nathan Foushee, # 24885-49  
Attorney for Plaintiff

Ken Nunn Law Office  
Franklin Place  
104 S. Franklin Road  
Bloomington, IN 47404  
Telephone (812) 332-9451



STATE OF INDIANA            )            IN THE DEARBORN SUPERIOR COURT  
                                      ) SS:  
COUNTY OF GRANT         )            CAUSE NO. 15D01-2204-CT-000011

SHANNAN FRAASMAN and  
HAROLD FRAASMAN, SR.,  
Co-Personal Representatives of the  
Estate of FELICIA V. FRAASMAN, Deceased

VS.

ANDREW PLOWMAN and  
L & G TRUCKING, LLC

**MOTION FOR MEDIATION ORDER**

Comes now the plaintiff, by counsel, Nathan D. Foushee, and respectfully requests that the Court enter an Order requiring the parties to mediate this case.

Respectfully submitted,  
KEN NUNN LAW OFFICE

By: /s/Nathan Foushee  
Nathan Foushee, # 24885-49  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of April, 2022 a copy of this document was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system or by mail should counsel not be registered.

Christopher R. Whitten  
Lia Gucciardi Bowers  
Whitten Law Office  
6801 Gray Road  
Suite H  
Indianapolis, IN 46237

KEN NUNN LAW OFFICE

By: /s/Nathan Foushee  
Nathan Foushee, # 24885-49  
Attorney for Plaintiff

Ken Nunn Law Office  
Franklin Place  
104 S. Franklin Road  
Bloomington, IN 47404  
Telephone (812) 332-9451

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF GRANT         )         CAUSE NO. 15D01-2204-CT-000011

SHANNAN FRAASMAN and  
HAROLD FRAASMAN, SR.,  
Co-Personal Representatives of the  
Estate of FELICIA V. FRAASMAN, Deceased

VS.

ANDREW PLOWMAN and  
L & G TRUCKING, LLC

**ORDER TO MEDIATE**

Comes now the plaintiff, by counsel, Nathan D. Foushee, and files Motion for mediation Order.

And the Court having considered such motion and being otherwise duly advised in the premises now grants same.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the parties shall mediate this case.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that parties shall agree on a mediator within 30 days from the date of this Order.

**ALL OF WHICH IS ORDERED** April 26, 2022 \_\_\_\_\_.

\_\_\_\_\_  
Judge, Dearborn Superior Court 1

DISTRIBUTE TO:

Nathan D. Foushee, Ken Nunn Law Office, 104 South Franklin Road, Bloomington, IN 47404 (812) 332-9451  
Christopher R. Whitten, Whitten Law Office, 6801 Gray Road, Suite H, Indianapolis, IN 46237  
Lia Gucciardi Bowers, Whitten Law Office, 450 Vale Park Road, Suite D, Valparaiso, IN 46385

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF GRANT        )

IN THE DEARBORN SUPERIOR COURT  
  
CAUSE NO. 15D01-2204-CT-000011

SHANNAN FRAASMAN and  
HAROLD FRAASMAN, SR.,  
Co-Personal Representatives of the  
Estate of FELICIA V. FRAASMAN, Deceased

VS.

ANDREW PLOWMAN and  
L & G TRUCKING, LLC

**ORDER GRANTING MOTION FOR PRE-TRIAL CONFERENCE**

Comes now the plaintiff, by counsel, Nathan D. Foushee, and files Motion for a telephonic Pre-Trial Conference in order to set appropriate trial deadlines.

And the Court having considered such motion and being otherwise duly advised in the premises now grants same.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that this matter be set for a telephonic pre-trial conference on the 2nd day of June, 2022 at 3:00 o'clock p.m. Plaintiff's counsel will initiate the call.

**ALL OF WHICH IS ORDERED** \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

**April 26, 2022**

Judge

DISTRIBUTE TO:  
Nathan D. Foushee  
Ken Nunn Law Office  
104 South Franklin Road  
Bloomington, IN 47404

Christopher R. Whitten  
Lia Gucciardi Bowers  
Whitten Law Office  
6801 Gray Road  
Suite H  
Indianapolis, IN 46237

STATE OF INDIANA            )  
  ) SS:           IN THE DEARBORN SUPERIOR COURT  
COUNTY OF GRANT         )  
  )           CAUSE NO. 15D01-2204-CT-000011

SHANNAN FRAASMAN and  
HAROLD FRAASMAN, SR.,  
Co-Personal Representatives of the  
Estate of FELICIA V. FRAASMAN, Deceased

v.

ANDREW PLOWMAN and  
L & G TRUCKING, LLC

**NOTICE OF SELECTION OF MEDIATOR**

Comes now the Plaintiff, by counsel, and notifies the Court that the parties have agreed to  
employ Kyle Baker as mediator in this matter.

Respectfully submitted,

s/Nathan D. Foushee  
Nathan D. Foushee, #24885-49  
Attorney for Plaintiff

Nathan Foushee  
Ken Nunn Law Office  
104 S. Franklin Road  
Bloomington, IN 47404

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been filed via the Court's online filing system this 19<sup>th</sup> day of May, 2022, and electronically served via the electronic filing system to all counsel of record:

Christopher R. Whitten  
[cwhitten@indycounsel.com](mailto:cwhitten@indycounsel.com)

Lia Gucciardi Bowers  
[lbowers@indycounsel.com](mailto:lbowers@indycounsel.com)

s/Nathan D. Foushee  
Nathan D. Foushee, #24885-49  
Attorney for Plaintiff

Nathan Foushee  
Ken Nunn Law Office  
104 S. Franklin Road  
Bloomington, IN 47404

STATE OF INDIANA	)	IN THE DEARBORN SUPERIOR COURT
	) SS:	
COUNTY OF DEARBORN	)	CAUSE NO. 15D01-2204-CT-000011
SHANNAN FRAASMAN and	)	
HAROLD FRAASMAN, SR.,	)	
Co-Personal Representatives of the	)	
Estate of FELICIA V. FRAASMAN,	)	
Deceased,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ANDREW PLOWMAN and	)	
L&G TRUCKING, LLC,	)	
	)	
Defendants.	)	

**ANSWER, AFFIRMATIVE DEFENSES  
AND DEMAND FOR TRIAL BY JURY**

Defendants, Andrew Plowman and L&G Trucking, LLC, by counsel, for their Answer to Plaintiffs' Complaint for Damages, state as follows:

**STATEMENT AND JURISDICTION**

1. This is a clear liability collision in which Defendants' 2003 Peterbilt tractor-trailer was negligently driven by Andrew Plowman, causing a collision with the vehicle driven by Felicia V. Fraasman, deceased. As a result of the collision, Felicia V. Fraasman sustained serious injuries, resulting in her death.

**ANSWER: Defendants admit that Felicia V. Fraasman died as result of injuries sustained in the accident. Defendants deny the remaining allegations contained in paragraph 1 of Plaintiffs' Complaint.**

2. Jurisdiction and venue are appropriate in Dearborn County, Indiana, as said collision occurred within the boundaries of Grant County, State of Indiana.

**ANSWER: Defendants admit that jurisdiction and venue are appropriate in Dearborn County, Indiana but deny that the collision occurred within the boundaries of Grant County, State of Indiana.**

**FIRST CAUSE OF ACTION**

**NEGLIGENCE OF TRUCK DRIVER**

3. Plaintiffs reallege and incorporate herein by reference paragraphs 1 through 2 above as if fully restated verbatim.

**ANSWER: Defendants hereby incorporate by reference their responses to paragraphs 1 through 2 of Plaintiffs' Complaint for Damages as if fully set forth herein.**

4. The Plaintiffs, Shannan Fraasman and Harold Fraasman, are the mother and father of Felicia V. Fraasman, deceased.

**ANSWER: Defendants are without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 4 of Plaintiffs' Complaint and therefore deny same.**

5. On or about February 22, 2022, Defendant, Andrew Plowman, negligently drove a tractor-trailer striking and crushing the vehicle driven by Felicia V. Fraasman, deceased.

**ANSWER: Defendants deny the allegations contained in paragraph 5 of Plaintiffs' Complaint.**



6. Defendant, Andrew Plowman, had a duty to operate his tractor trailer in a safe and reasonable manner.

**ANSWER: Defendants admit the allegations contained in paragraph 6 of Plaintiffs' Complaint to the extent they are consistent with Indiana law and Indiana Pattern Jury Instruction.**

7. Defendant, Andrew Plowman, failed in the above mentioned duties and is therefore negligent.

**ANSWER: Defendants deny the allegations contained in paragraph 7 of Plaintiffs' Complaint.**

8. Defendant's negligence was the direct and proximate cause of Plaintiff's injuries.

**ANSWER: Defendants deny the allegations contained in paragraph 8 of Plaintiffs' Complaint.**

9. Felicia V. Fraasman sustained serious injuries which thereafter caused her death on February 22, 2022.

**ANSWER: Defendants admit the allegations contained in paragraph 9 of Plaintiffs' Complaint.**

10. As a direct and proximate result of Andrew Plowman's negligence, Felicia V. Fraasman incurred medical, funeral, and burial expenses for such decedent in an amount to be proven at the trial of this cause.

**ANSWER: Defendants deny the allegations contained in paragraph 10 of Plaintiffs' Complaint.**

**SECOND CAUSE OF ACTION**

NEGLIGENCE PER SE OF TRUCK DRIVER

11. Plaintiffs reallege and incorporate herein by reference paragraphs 1 through 10 above as if fully restated verbatim.

**ANSWER: Defendants hereby incorporate by reference their responses to paragraphs 1 through 10 of Plaintiffs' Complaint for Damages as if fully set forth herein.**

12. Andrew Plowman violated state and federal statutes and regulations including but not limited to Title 9 of the Indiana Code.

**ANSWER: Defendants deny the allegations contained in paragraph 12 of Plaintiffs' Complaint.**

13. Defendant Andrew Plowman's statutory violations directly and proximately caused the damages and injuries of Felicia V. Fraasman, deceased.

**ANSWER: Defendants deny the allegations contained in paragraph 13 of Plaintiffs' Complaint.**

14. Defendant, Andrew Plowman, is negligent per se based on these statutory and regulatory violations.

**ANSWER: Defendants deny the allegations contained in paragraph 14 of Plaintiffs' Complaint.**

**THIRD CAUSE OF ACTION**

RESPONDEAT SUPERIOR OF TRUCK COMPANY

15. Plaintiffs reallege and incorporate herein by reference paragraphs 1 through 14 above as if fully restated verbatim.

**ANSWER: Defendants hereby incorporate by reference their responses to paragraphs 1 through 14 of Plaintiffs' Complaint for Damages as if fully set forth herein.**

16. Defendant, Andrew Plowman, was the employee, agent, servant, or independent contractor for L&G Trucking, LLC. Accordingly, L&G Trucking, LLC is vicariously liable for the acts of Defendant, Andrew Plowman, for the causes of action above.

**ANSWER: Defendants admit that Defendant Andrew Plowman was operating a tractor-trailer within the course and scope of his employment with Defendant L&G Trucking, LLC at the time of the subject accident, and admit that L&G Trucking, LLC would be vicariously liability under the doctrine of *respondeat superior* to the extent that Andrew Plowman is determined to have been negligent and that his negligence proximately caused Felicia V. Fraasman's damages and injuries. Defendants deny that Andrew Plowman was negligent and deny the remaining allegations contained in paragraph 16 of Plaintiffs' Complaint.**

**AFFIRMATIVE DEFENSES**

Defendants, Andrew Plowman and L&G Trucking, LLC, by counsel, for their Affirmative Defenses to Plaintiffs' Complaint for Damages, states as follows:

1. Felicia V. Fraasman's negligence exceeds fifty percent (50%) of the total fault attributable to this incident, thereby barring recovery.
2. Subject to further discovery, in the event that it is established that the causal negligence of Felicia V. Fraasman is 50% or less, Defendants hereby

assert that the amount of Plaintiffs' damages should be diminished in proportion to the amount of causal negligence attributable to Felicia V. Fraasman.

3. Subject to further discovery, Plaintiffs may have received payments from other sources that constitute a collateral source set-off.

4. Defendants hereby specifically deny any and all allegations in Plaintiffs' Complaint for Damages that were not specifically admitted.

5. Defendants reserve the right to assert additional Affirmative Defenses.

WHEREFORE, Defendants, Andrew Plowman and L&G Trucking, LLC, respectfully request that Plaintiffs take nothing by way of their Complaint for Damages, for costs of this action, and for all other just and proper relief.

**DEMAND FOR TRIAL BY JURY**

Defendants, Andrew Plowman and L&G Trucking, LLC, by counsel, respectfully request this matter be tried by a jury.

Respectfully submitted,

WHITTEN LAW OFFICE LLC



By \_\_\_\_\_  
Christopher R. Whitten / #20429-49  
Lia Gucciardi Bowers / #27556-64  
*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of May, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification to the following CM/ECF participants:

Nathan D. Foushee  
KEN NUNN LAW OFFICE  
104 South Franklin Road  
Bloomington, IN 47404  
[nathanf@kennunn.com](mailto:nathanf@kennunn.com)



---

Christopher R. Whitten

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[lbowers@indycounsel.com](mailto:lbowers@indycounsel.com)